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Cross-Complainant WestEnd
Software, Inc. and Defendant
Zeljko Rakocevic

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPENDABLE SOLUTIONS, INC., }
A CALIFORNIA CORPORATION, }
DEPENDABLE RIGHTS, LTD., a }
United Kingdom private }
limited company, MARTIN }
MALYSZ, }

Plaintiffs,

v.

ZELJKO RAKOCEVIC, an }
individual; WESTEND SOFTWARE, }
INC., a California corporation; DOES }
1 through 20, Inclusive, }

Defendants.

WESTEND SOFTWARE, INC.,

Cross-complainant,

v.

MARTIN MALYSZ, DEPENDABLE }
SOLUTIONS, INC., A }
CALIFORNIA CORPORATION, }
DEPENDABLE RIGHTS, LTD., }
TIMOTHY MEDORA, THE }
MEDORA GROUP, INC., AND }
ROES 1-50, }

Cross-defendants.

Case No. 2:15-cv-07481

**NOTICE OF REMOVAL OF
ACTION UNDER**

28 U.S.C. §§ 1338 and 1454

**(INFRINGEMENT OF U.S.
REGISTERED COPYRIGHT)**

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that Defendant and Cross-complainant
3 WESTEND SOFTWARE, INC. hereby removes to this Court the state court
4 action described below.

5 1. On June 30, 2015, an action was commenced in the Superior Court of
6 the State of California in and for the City of Los Angeles, County of Los
7 Angeles, entitled *Dependable Solutions, Inc., etc., et al*, Plaintiffs, v. *Zeljko*
8 *Rakocevic, an individual, et al.*, Defendants, as Case Number BC586632, hereto
9 as Exhibit "A".

10 2. The first date upon which defendants WestEnd Software, Inc. and
11 Zeljko Rakocevic received a copy of the summons and said complaint was on
12 August 27, 2015, when their legal counsel was authorized to and did
13 acknowledge acceptance of service of process on their behalf. However, this
14 notice of removal is not based on any of the allegations in the complaint, where
15 no grounds for removal appear to be revealed on the face of the complaint, in
16 which all causes of action appear to be based on California law. A copy of the
17 summons is attached hereto as Exhibit "B".

18 3. On September 15, 2015, Plaintiffs filed a motion to quash the service of
19 all of the subpoenas duces tecum for business records that Defendant WestEnd
20 Software, Inc. served on various companies, a conformed copy of which is
21 attached hereto as Exhibit "C".

22 4. On September 22, 2015, Defendant and Cross-complainant WestEnd
23 Software, Inc. ("WestEnd") filed its cross-complaint ("Cross-complaint") in the
24 same State court action.

25 5. The Cross-complaint filed by WestEnd is a civil action over which this
26 Court has original jurisdiction under 28 U.S.C. § 1338, and is one which may be
27 removed to this court by any party, including Cross-complainant WestEnd,
28 pursuant to the provisions of 28 U.S.C. § 1454(b)(1) in that it arises under 17

1 U.S.C. §§ 101, et seq. (U.S. Copyright Act). *Sleppin v. Thinkscan.com* E.D.N.Y.
 2 2014, 55 F.Supp.3d 366, 378.

3 The First Cause of Action of the Cross-complaint seeks damages and an
 4 injunction by WestEnd for the infringement of its copyright registered with the
 5 U.S. Copyright Office against all cross-defendants. A copy of the Cross-
 6 complaint is attached hereto as Exhibit D. A copy of the summons issued on the
 7 Cross-complaint is attached hereto as Exhibit E. Cross-complainant WestEnd
 8 Software, Inc. also filed the following documents, which are attached as exhibits
 9 hereto, as designated:

10 (a) Cross-complainant Westend Software, Inc.'s Preliminary
 11 Designation of Trade Secrets - Exhibit "F"

12 (b) Cross-complainant Westend Software, Inc.'s Reservation of
 13 Right to Seek Punitive Damages – Exhibit "G"

14 6. All other defendants who have been served with the Summons and
 15 Complaint have joined in this Notice of Removal, as evidenced by the Joinder of
 16 defendant Zeljko Rakocovic, filed concurrently herewith.

17 DATED: September 24, 2015

ROBERT NOLAN CONRAD,
 A LAW CORPORATION

By: /s/ Robert N. Conrad

Robert N. Conrad
 Attorneys for Defendant and Cross-
 complainant WestEnd Software, Inc.